

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

BERT DALMAYER, *et al.*,

Plaintiffs,

v.

Case Number 08-12784

Honorable Thomas L. Ludington

STATE OF MICHIGAN, *et al.*,

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,  
DENYING PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT,  
AND DISMISSING DEFENDANT SHERIFF DOUG BAUM**

On April 16, 2009, Magistrate Judge Charles E. Binder issued a report and recommendation that the Court deny Plaintiff Bert Dalmayer's motion for default judgment and dismiss Defendant Sheriff Doug Baum sua sponte. None of the parties to this action filed objections to the report and recommendation. A party's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [Dkt. # 94] is **ADOPTED**.

It is further **ORDERED** that Plaintiff Bert Dalmayer's motion for default judgment [Dkt. # 56] is **DENIED**.

It is further **ORDERED** that the claims asserted against Defendant Sheriff Doug Baum are  
**DISMISSED WITH PREJUDICE.**

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: May 14, 2009

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on May 14, 2009.

s/Tracy A. Jacobs  
TRACY A. JACOBS